

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAIME NARVAEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, NYC DEPARTMENT
OF CORRECTIONS, "JOHN DOE" CORRECTIONAL
OFFICER (assigned to unit #7B on 5/10/13 at 14:30 Hrs),

Defendants.

-----x
AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
13-CV-03099 (CBA) (VVP)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 8 - 2014 ★

BROOKLYN OFFICE

On May 21, 2013, plaintiff Jaime Narvaez, pro se, filed this civil rights against defendants the City of New York (the "City"), the New York City Department of Correction, and an unidentified correctional officer, seeking redress for injuries suffered when his requests for medical attention went unanswered after he was assaulted by another detainee at the Brooklyn Detention Center. On December 3, 2013, Magistrate Judge Viktor V. Pohorelsky, on application by the City, ordered Narvaez to file a letter by December 13, 2013, listing his current address and phone number and providing a physical description of the John Doe correctional officer in order to enable the City to determine his identity. The December 3, 2013 order also warned Narvaez that failure to comply with the order "may result in a recommendation that this case be dismissed for failure to prosecute." (Docket Entry 10 (emphasis removed).) Narvaez never responded to that order, and has not made any appearance in this case since filing his complaint in May 2013. Mail sent to the address he provided at the George Motchan Detention Center on Riker's Island has been returned as undeliverable because Narvaez was paroled; correspondence sent to an additional Manhattan address that he provided has not been returned.

On January 2, 2014, given Narvaez's failure to respond to the Court's December 3, 2013 order and his failure to contact the Court since initiating the action, the City moved to dismiss the complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). On April 14, 2014, Magistrate Judge Pohorelsky issued a Report and Recommendation ("R&R") recommending that the Court grant the motion and dismiss the complaint without prejudice for failure to prosecute.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Pohorelsky's R&R as the opinion of the Court. Accordingly, the Court dismisses Narvaez's complaint without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is directed to enter judgment and close the case.

SO ORDERED.

Dated: Brooklyn, New York
May 7, 2014

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge